

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-051

Judge:

Complainant:

ORDER

August 28, 2023

The complainant alleged improper legal rulings by a superior court judge hearing a post-conviction proceeding in a criminal case.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Denise K. Aguilar and Louis F. Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 28, 2023.

APPENDIX OF EXHIBITS

#1) ELECTRONIC INDEX OF RECORD
MAR CASE #

#2) CERTIFIED TRANSCRIPT
EVIDENTIARY HEARING

#3) MINUTE ENTRY
JUDGE

#4) MINUTE ENTRY
JUDGE

#5) PHOTO COPIES OF COMPACT DISK/MAILING ENVELOPE
MCSB ELECTRONIC RECORDS SERVICE

#6) "RULE 32 PROCEEDING DISMISSED"
JUDGE

#7) "ORDER TO REFILE APPEAL AS CIVIL APPEAL"
#1, # ;
JUDGE ;
(i)

#8) "PCR ASSIGNMENT TO JUDICIAL OFFICER FOR RULING",

#9) "NOTICE OF SUPPLEMENTAL AUDIOVISUAL ELECTRONICALLY STORED INFORMATION COMPUTER DISK EVIDENCE EXHIBIT",
Judge

#10) "MOTION FOR IN-CAMERA REVIEW OF AUDIO-VISUAL ELECTRONICALLY STORED INFORMATION IN POSSESSION OF THE CLERK OF THE COURT"
Judge

#11) "MOTION DENIED"
Judge "STATE V (A)"

#12) "MOTION DENIED"
Judge "STATE V (A)"

#13) "SPECIAL ACTED RELIEF DENIED/HABEAS CORPUS RELIEF DENIED",
Judge "STATE V (A)"

#14) "NOTICE OF AMENDED ELECTRONIC RECORD OF INDEX",

(ii)

#15) " RULE 32 PROCEEDING, DISMISSED "

Judge

#16) " MOTION FOR SIGNED ORDER GRANTED "

Judge

NOTICE OF SERVICE

I CERTIFY THE ATTACHED DOCUMENTS
WERE SERVED UPON THE COMMISSION
VIA THE
MAILBOX. ON

EXHIBIT #1

STATE OF ARIZONA VS
CONSOLIDATED FROM**Electronic Index of Record
MAR Case #**

No.	Document Name	Filed Date
911.	LETTER OF TRANSMITTAL DATED	
912.	LETTER OF TRANSMITTAL DATED	
913.	ORDER DISMISSING APPEAL	
914.	LETTER DATED	
915.	LETTER DATED	
916.	ME: PCR: ASSIGNED FOR RULING [
917.	ME: PCR: ORDER/RULING []	
918.	NOTICE OF INTENT TO FILE A MOTION FOR RECONSIDERATION & REQUEST FOR EXTENSION OF TIME	
919.	CRIMINAL FINANCIAL OBLIGATIONS	
920.	NOTICE OF SERVICE	
921.	NOTICE OF SERVICE	
922.	MOTION FOR RECONSIDERATION OF RULE 32 POST-CONVICTION RELIEF PROCEEDING (PURSUANT TO RULE 32.9(A) ARIZONA RULES OF CRIMINAL PROCEDURE)	
923.	SPECIAL ACTION (PURSUANT TO RULES OF PROCEDURE FOR SPECIAL ACTION)	
924.	REQUEST FOR HEARING FOR ORAL ARGUMENT (PURSUANT TO RULE 35.2 ARIZ. R. CRIM. PROC.)	
925.	PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM	
926.	MOTION TO COMPEL WITNESS TO TESTIFY (SUBPOENA)	
927.	LETTER DATED	
928.	LETTER DATED	
929.	LETTER DATED	
930.	ME: PCR DISMISSED []	
931.	MOTION FOR EXPEDITED JUDICIAL ASSIGNMENT IN SPECIAL ACTION	

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**